

A BILL

To amend further the Missing Persons Act, as amended.

1       Be it enacted by the Senate and House of Representatives  
2       of the United States of America in Congress assembled, That  
3       the Missing Persons Act (56 Stat. 143), as amended, is further  
4       amended as follows:

5       (a) Section 1(a)(3) is amended to read:

6               "(3) Civilian officers and employees of the  
7       departments (exclusive of part-time, hourly, or inter-  
8       mittent employees resident of the places of their  
9       employment) during such time as they may be assigned  
10       for duty or serving outside the continental limits  
11       of the United States or in Alaska, except that persons  
12       who are residents of their places of employment in the  
13       Territories and possessions or in foreign countries,  
14       shall be included only upon a determination by the  
15       head of the department concerned that the status of  
16       missing, missing in action, interned in a foreign country,  
17       captured by a hostile force, beleaguered by a hostile  
18       force, or besieged by a hostile force, within the meaning  
19       of section 2 of this Act, was the proximate result of  
20       employment by the department."

21       (b) Section 2 is amended to read:

1           "SEC. 2. Any person who is in the active  
2           service, or is performing full-time training duty,  
3           other full-time duty, or inactive duty training and  
4           who is officially determined to be absent in a status  
5           of missing, missing in action, interned in a foreign  
6           country, captured by a hostile force, beleaguered by a  
7           hostile force, or besieged by a hostile force shall,  
8           for the period he is officially carried or determined  
9           to be in any such status, be entitled to receive or to  
10          have credited to his account the same pay and allowances  
11          to which he was entitled at the beginning of such period  
12          of absence or may become entitled thereafter, and entitle-  
13          ment to pay and allowances shall terminate upon the date  
14          of receipt by the department concerned of evidence that  
15          the person is dead or upon the date of death prescribed  
16          or determined under provisions of section 5 of this Act.  
17          Such entitlement to pay and allowances shall not terminate  
18          upon the expiration of a term of service during absence  
19          and, in case of death during absence, shall not terminate  
20          earlier than the dates herein prescribed. There shall be  
21          no entitlement to pay and allowances for any period during  
22          which such person may be officially determined absent from  
23          his post of duty without authority and he shall be indebted  
24          to the Government for any payments from amounts credited  
25          to his account for such period. Persons performing full-time

1 training duty, or inactive duty training shall be  
2 entitled to the benefits of this section only when such  
3 persons are officially determined to be absent in a  
4 status of missing, missing in action, interned in a  
5 foreign country, captured by a hostile force, beleaguered  
6 by a hostile force, or besieged by a hostile force as a  
7 result of the performance of prescribed duty ordered by  
8 competent authority."

9 (c) Section 6 is amended to read:

10 "SEC. 6. When it is officially reported by the head  
11 of the department concerned that a person missing under  
12 the conditions specified in section 2 of this Act is alive  
13 and in the hands of a hostile force or is interned in a  
14 foreign country, the payments authorized by section 3 of  
15 this Act are, subject to the provisions of section 2 of  
16 this Act, authorized to be made for a period not to extend  
17 beyond the date of the receipt by the head of the depart-  
18 ment concerned of evidence that the missing person is dead  
19 or has returned to the controllable jurisdiction of the  
20 department concerned. When a person missing or missing in  
21 action is continued in a missing status under section 5 of  
22 this Act, such person shall continue to be entitled to have  
23 pay and allowances credited as provided in section 2 of  
24 this Act and payments of allotments, as provided in section  
25 3 of this Act, are authorized to be continued, increased,  
26 or initiated."

1 (d) The first proviso of section 9 is amended to read:

2 "Provided, That no such account shall be charged or  
3 debited with any amount that any person in the hands of  
4 a hostile force may receive or be entitled to receive  
5 from, or have placed to his credit by, such hostile  
6 force as pay, wages, allowances, or other compensation;"

7 (e) Section 12 is amended to read:

8 "SEC. 12. The dependents and household and personal  
9 effects of any person in active service (without regard to  
10 pay grade) who is officially reported as dead, injured,  
11 missing for a period of thirty days or more, interned in  
12 a foreign country, or captured by a hostile force, may be  
13 moved (including packing, crating, drayage, temporary  
14 storage, and unpacking of household effects) to the  
15 official residence of record for any such person or to  
16 the residence of his dependent, next of kin, or other per-  
17 son entitled to receive custody of the effects in accordance  
18 with regulations issued by the head of the department con-  
19 cerned; or, upon application by such dependent, next of  
20 kin, or other person, or upon the person's application if  
21 injured, to such other location as may be determined in  
22 advance or subsequently approved by the head of the depart-  
23 ment concerned or by such persons as he may designate. When  
24 the head of the department concerned determines that an  
25 emergency exists and that such sale would be in the best

1 interests of the Government, he may provide for the dis-  
2 position of the motor vehicles and other bulky items of  
3 such household and personal effects of the person by  
4 public or private sale. Prior to any such sale, and if  
5 practicable, a reasonable effort shall be made to determine  
6 the desires of the interested persons. The net proceeds re-  
7 ceived from such sale shall be transmitted to the owner or  
8 to other persons in accordance with regulations issued by  
9 head of the department concerned; but if there be no such  
10 persons or if such persons or their addresses are not ascer-  
11 tainable within one year from the date of sale, the net  
12 proceeds may be covered into the Treasury as miscellaneous  
13 receipts. Claims for net proceeds which are covered into  
14 the Treasury under the authority of this section may be  
15 filed with the General Accounting Office by the rightful  
16 owners, their heirs or next of kin, or their legal representa-  
17 tives at any time prior to the expiration of five years from  
18 the date the proceeds are covered into the Treasury; and, if  
19 so filed, the General Accounting Office shall allow or  
20 disallow the claim. If claims are not filed prior to the  
21 expiration of five years from the date the proceeds are  
22 covered into the Treasury, they shall be barred from being  
23 acted on by the courts or the General Accounting Office.  
24 The provisions of this section shall not be construed as  
25 amending or repealing the Act of March 29, 1913 (ch. 31,

1 40 Stat. 499); section 1, subchapter II of the Act of  
2 June 4, 1920 (ch. 227, 41 Stat. 809) as amended; the Act  
3 of February 21, 1931 (ch. 268, 46 Stat. 1203) as amended;  
4 the Act of December 28, 1945 (ch. 597, 59 Stat. 662) as  
5 amended; the Federal Tort Claims Act (60 Stat. 842-847),  
6 as amended; the Act of April 14, 1949 (ch. 50, 63 Stat. 44);  
7 or section 507, title 14, United States Code. The head of  
8 the department concerned is authorized to store the house-  
9 hold and personal effects of the person until such time as  
10 proper disposition can be made. The cost of such storage  
11 and transportation, including packing and unpacking of  
12 household effects, shall be charged against appropriations  
13 currently available. In lieu of transportation authorized  
14 by this section for dependents, the head of the department  
15 concerned may authorize the payment in money of amounts  
16 equal to such commercial transportation costs or a monetary  
17 allowance in lieu of transportation as authorized by law  
18 for the whole or such part of travel for which transporta-  
19 tion in kind is not furnished, when such travel shall have  
20 been completed. When the person is in an 'injured' status,  
21 the movement of dependents or household and personal effects  
22 provided for herein may be authorized only in cases where  
23 the anticipated period of hospitalization or treatment will  
24 be of prolonged duration. No transportation shall be author-  
25 ized pursuant to this section upon application by dependents

1 unless a reasonable relationship exists between the  
2 condition and circumstances of the dependents and the  
3 destination to which transportation is requested. Beginning  
4 June 25, 1950, and for the purposes of this section only,  
5 the terms 'household and personal effects' and 'household  
6 effects' may include, in addition to other authorized weight  
7 allowances, not to exceed one privately owned motor vehicle,  
8 shipment of which at Government expense is authorized in  
9 those cases where the vehicle is located outside the contin-  
10 ental limits of the United States or in Alaska."

11 (f) Section 14 is amended to read:

12 "SEC. 14. The provisions of this Act applicable to  
13 persons captured by a hostile force shall also apply to any  
14 person beleaguered or besieged by a hostile force."

15 (g) Section 15 is amended to read:

16 "SEC. 15. This Act, except sections 13, 16, 17, and  
17 18, is effective from June 24, 1948."